



14 June, 2011

HAND DELIVERY

Dear Senator Lieu:

We write to urge your support for AB 420, to end prison-based gerrymandering. The legislation would end the practice of allocating incarcerated individuals as residents of the localities where they are temporarily confined, for redistricting purposes. The Senate Elections Committee is expected to take up the bill on June 21. With your vocal support, California can join New York, Maryland and Delaware in ending prison-based gerrymandering.

California currently allocates incarcerated individuals as residents of their prison localities for redistricting purposes. This practice is in conflict with California law on determining domicile. AB 420 seeks to count people consistent with our own state law, as per Section 2025 of the California Elections Code: "A person does not gain or lose a domicile solely by reason of his or her presence or absence from a place while... kept in an almshouse, asylum or prison."

The miscount of incarcerated individuals also violates the fundamental "one-person, one-vote" principle of our democracy. Counting them as residents in prison localities artificially inflates the local population count, allowing districts to be drawn with fewer actual constituents than required. The relative voting strength of any individuals in a district with a prison is thereby enhanced. Meanwhile, the voting strength of individuals in districts that are not padded by inclusion of a prison population is diluted.

Most California counties omit the prison population from their calculations when drawing county supervisorial districts. This sensible approach, which reflects the recognition that incarcerated individuals remain constituents in their home communities, should guide the State's own treatment of this issue.

Prison-based gerrymandering dilutes the voting strength of every Californian who does not live in proximity to a prison, particularly communities of color. Latinos and African American constitute 40 percent of the male population in California, but 65 percent of the state's male prison population. Excluding these persons from their home communities, to which most return after their confinement, diminishes the political representation and political clout of these neighborhoods.

AB 420 would help remedy these distortions for the 2020 redistricting cycle, meaning that the bill's effects would not be seen until 2021. It directs that the Department of Corrections and Rehabilitation report the last known addresses of incarcerated persons to the Secretary of State and the Citizens Redistricting Commission. The data will then be used to properly and lawfully count incarcerated individuals as members of their home communities.

The undersigned organizations urge your "AYE" vote on AB 420, which will help ensure that redistricting in California is aligned with basic principles of fairness and equality in the democratic process.

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